



# BARTOW COUNTY

Joseph Kirk, Election Supervisor

## Board of Elections and Voter Registration

Response to Coalition for Good Governance's Subpoena to

Joseph Kirk, Bartow County Elections Supervisor

Curling V. Raffensperger

Civil Action No. 1:17-cv-2989-AT

1. The Coalition for Good Governance (the Coalition) requested an electronic copy of the final post-election GEMS Database for the December 4, 2018 General Election Runoff. Please see my objection that was previously filed with the court.
2. The Coalition requested an electronic copy of the initial GEMS Database received from the Secretary of State's Office for the November 6, 2018 General Election. Please see my objection that was previously filed with the court.
3. The Coalition requested all documents relating to my office's review of the DRE configuration and electronic ballots for the November 6, 2018 General Election. I have provided the ballot proofs, applicable GEMS Administrative Reports, and the sign off sheet that I used to approve the information contained in said proofs and reports in Envelope 1.
4. The Coalition requested all Non-Disclosure Agreements signed by representatives of the Bartow County Board of Elections and Voter Registration related to information contained in the GEMS Database, or any other election administration information received from the Secretary of State's Office. I have nothing responsive to this request.
5. The Coalition requested all electronic ballot images or related records retrieved for the purpose of investigating or cancelling ineligible or duplicate ballots in all elections conducted since July 1, 2017. I have included the following records of investigations into potential double votes in Envelope 2:
  - a. Incident Report from Pine Log Polling Place for 7/24/18 Primary Runoff
  - b. Incident Report from Advance Voting at the Voter Registration Office for 7/24/18 Primary Runoff
  - c. Letter to the Secretary of State's Office explaining the results of my investigation into the double votes in the 7/24/18 Primary Runoff.



- d. Incident Report from Advance Voting at the Voter Registration Office for the 11/6/18 General Election
6. The Coalition requested all documentation relating to or describing unique identifiers for ballot image reports off the GEMS Server. I have nothing responsive to this request.
7. The Coalition requested documentation describing the retrieval of information from a specific cast vote record (otherwise known as an electronic ballot image) for the purposes of research or cancelling the ballot or votes specifically including procedures in place prior to January 1, 2010 and any changes made since that time. I have nothing responsive to this request.
8. The Coalition requested documents and communications subsequent to January 1, 2016 from the Secretary of State's Office about whether or not ballot image reports are public record. I have included an Official Election Bulletin dated January 30, 2019 in Envelope 3.
9. The Coalition requested all documents related to the loan or rental of DRE equipment to municipalities for them to use to conduct their municipal elections. The Coalition specifically asks for intergovernmental agreements for the conduct of the 2017 and 2019 municipal elections as part of this request. I have included the following in Envelope 4:
  - a. Contract with City of Adairsville dated 9/1/11
  - b. Contract with City of Cartersville dated 9/3/15
  - c. Contract with City of Emerson dated 8/30/11
  - d. Contract with City of Euharlee dated 9/12/13
  - e. Contract with City of Kingston dated 9/14/16
  - f. Contract with City of Taylorsville dated 7/24/15
  - g. Contract with City of White dated 9/18/17
10. The Coalition has requested all documents describing the number of GEMS databases prepared for the November 6, 2018 General Election as well as their locations. I have included a document describing records retention procedures in Envelope 5.
11. The Coalition requested all documents that I received from the Secretary of State's Office relating to changes or improvements to the security of the DRE Voting System subsequent to July 1, 2016. I have included the a training presentation from the Center for Election Systems detailing a new method for database delivery in Envelope 6:
12. The Coalition requested all communications and documents from the Secretary of State's Office related to security threats to the voting system and election related equipment subsequent to January 1, 2016. I have included the following in Envelope 7.
  - a. Election Update 8-23-16
  - b. OEB 8-30-16
  - c. OEB 9-12-16
  - d. Election Update 11-3-17
  - e. Election Update 1-5-18

- f. Election Update 2-21-18
- g. Email from Chris Harvey 7-26-18
- h. OEB 7-26-28
- i. OEB 8-1-18
- j. OEB 8-9-18
- k. OEB 8-17-18
- l. Email from Chris Harvey 9-18-18
- m. Buzz post from Chris Harvey 9-19-18
- n. Buzz Post from Chris Harvey 10-2-18
- o. Election Update 10-5-18
- p. OEB 10-17-18
- q. DHS Memo
- r. DHS Perspective Document

*Note: Some items in Envelope 6 are also responsive to this request.*

13. The Coalition requested documentation from any person alleging voting system malfunctions during the November 6, 2018 General Election. I have included the following in Envelope 8:
  - a. Emails with Beth Howard, Electronic Voting Machine Technician about changing an ExpressPoll, an issue with the audio ballot, and an issue with an export ID in the GEMS database.
  - b. Emails with Cheryl Billard and John Hallman of the Secretary of State's Office about server issues with ElectionNet.
  - c. Pages from my personal notes that include responsive information
  - d. Text messages with staff members indicating the resolution of issues
  - e. A complaint submitted by Beatrice Baker about an issue while voting
  - f. Various incident reports from Advance Voting and Election Day
14. The Coalition requested documentation of any investigation or analysis of undervotes in the Lt. Governor's race during the November 6, 2018 General Election. I have nothing responsive to this request.
15. The Coalition requested any communications received from any voter, poll worker, or staff member relating to inaccuracies in the ExpressPoll data for the November 6, 2018 General Election. I have included various incident reports from November 6, 2018 General Election that allege inaccuracy in the ExpressPoll Data in Envelope 9.
16. The Coalition requested all communications and documents subsequent to January 1, 2016 relating to the electronic transmission and receipt of files to or from the Center for Election System's servers. I have included the following in Envelope 10:
  - a. 2-23-16 Election Update
  - b. 5-14-16 Election Update
  - c. ExpressPoll Delivery/Pickup 5-11-18
  - d. ExpressPoll Delivery/Pickup 7-13-18
  - e. Buzz Post from Ken Collins 7-19-18

- f. Buzz Post from John Hallman 7-19-18
- g. Buzz Post from Teresa Pope 7-20-18
- h. Buzz Post from Michael Barnes 7-20-18
- i. ExpressPoll Delivery/Pickup 10-26-18
- j. Buzz Post from Michael Barnes 10-30-18
- k. Buzz post from Michael Barnes 11-2-18
- l. Buzz Post from Michael Barnes 11-5-18
- m. Email from Chris Harvey 11-15-18
- n. GEMS Delivery/Pickup 11-20-18
- o. ExpressPoll Delivery/Pickup 11-28-18
- p. Buzz Post from Michael Barnes 11-30-18
- q. Email string with Michael Barnes 12-13-18
- r. Email from Michael Barnes 12-14-18
- s. Buzz Post from Axiver Harris 3-15-19
- t. Buzz Post from Michael Barnes 3-15-19

*Note: The document in Envelope 6 is also responsive to this request.*

17. The Coalition requested all documents relating to a 2019 pilot program for next voting system. I have included the following in Envelope 11:
- a. Board of Elections Meeting Minutes from April and May of 2019
  - b. Open Records Request from Samantha Whitley in the form of an email
  - c. Email with Sara Ghazal with the Democratic Party
  - d. Emails with various Election Directors
  - e. Text message with Cheryl Billard, Assistant Election Supervisor
  - f. Text message with Mary Elena Kirk (Mama), my mother
18. The Coalition requested invoices for paper ballot printing for the November 6, 2018 General Election. I have included said invoice in Envelope 12.
19. The Coalition requested an image of the disk containing the GEMS database for the November 6, 2018 General Election as it was delivered from the Secretary of State's Office. Please see my objection that was previously filed with the court.